

**NOTICE OF HEARING: DECEMBER 19, 2023 AT 10:00A.M.
OBJECTION DEADLINE: DECEMBER 12, 2023 AT 4:00 P.M.**

WILK AUSLANDER LLP
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(212) 421-2233
Eric J. Snyder, Esq.

Counsel for the Debtor

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

GACE CONSULTING ENGINEERS, DPC,

Debtor.¹

Chapter 11

No. 23-10789 (LGB)

**NOTICE OF HEARING ON DEBTOR'S MOTION TO APPROVE
PROPOSED SCHEDULING ORDER FOR HEARING ON
CONFIRMATION OF DEBTOR'S PLAN OF REORGANIZATION,
FILING OBJECTIONS TO CONFIRMATION OF THE PLAN, AND
FILING ACCEPTANCES OR REJECTIONS OF THE PLAN, AND
APPROVING CONFIRMATION HEARING NOTICE AND FORM OF
NOTICE TO COUNTERPARTIES TO SERVICE AGREEMENTS AND
BALLOT AND OPPORTUNITY FOR HEARING**

PLEASE TAKE NOTICE that on November 30, 2023, the Debtor filed its *Amended Chapter 11 Plan of Reorganization* together with its liquidation analysis and financial projections annexed thereto as Exhibits A and B, respectively [Dkt. No. 58] (as may be further amended, the "Plan");

PLEASE TAKE FURTHER NOTICE that as a result of the above, on December 4, 2023, the Debtor filed a motion (the "Scheduling Motion") seeking approval of an *Order (i) Fixing Dates for Hearing on Confirmation of Debtor's Plan of Reorganization, Filing Objections to*

¹ The Debtor in this Chapter 11 Case, along with the last four digits of its federal tax identification number, is 5207.

Confirmation of the Plan, and Filing Acceptances or Rejections of the Plan, and (ii) Approving the Form of Confirmation Hearing Notice and Form of Notice to Counterparties to Service Agreements and Ballot, substantially in the form annexed to the Scheduling Motion as Exhibit A (“Proposed Scheduling Order”), pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 2002(b)(2). A hearing (the “Hearing”) on the Scheduling Motion is scheduled for **December 19, 2023 at 10:00 A.M.** (the “Hearing Date”).

PLEASE TAKE FURTHER NOTICE, that, pursuant to the Bankruptcy Court’s Emergency Procedures during COVID-19 Pandemic, the hearing shall place by Zoom for Government videoconference. Parties wishing to participate at the Hearing are required to register their eCourt Appearance by 4:00 P.M. (EST) the business day before the Hearing at <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>, pursuant to Judge Beckerman’s Zoom video Rules, a copy of which is attached to this Notice.

PLEASE TAKE FURTHER NOTICE that responses or objections to the Scheduling Motion and the relief requested therein, if any, shall be in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Southern District of New York, shall set forth the basis for the response or objection and the specific grounds therefor, and shall be filed with the Court electronically in accordance with General Order M-399 by registered users of the Court’s case filing system (the User’s Manual for the Electronic Case Filing System can be found at <http://www.nysb.uscourts.gov>), with a hard copy delivered directly to chambers and served so as to be actually received no later than December 12, 2023 at 4:00 p.m. ET (“Objection Deadline”), upon (i) counsel for the Debtor, Wilk Auslander LLP, 825 Eighth Avenue, Suite 2900, New York, New York 10019 (Attn: Eric J. Snyder, Esq.); (ii) Office of the United States Trustee for Region 2, United States Custom House, Room 534, One Bowling

Green Station, New York, New York 10004 (Attn: Greg Zipes, Esq., Esq.); and (iii) the Subchapter V Trustee, Samuel Dawidowicz, 215 East 68th Street. Ste. 20M, New York NY 10065.

PLEASE TAKE FURTHER NOTICE that if no objections are timely filed and received by the Objection Deadline, the Proposed Scheduling Order may be entered without further notice or a hearing.

PLEASE TAKE FURTHER NOTICE that a copy of the Proposed Scheduling Order may be obtained at the Court's website at <http://www.nysb.uscourts.gov> (in accordance with the procedures and fees set forth therein), or by contacting Debtor's counsel at the contact information provided below.

Dated: New York, New York
December 4, 2023

WILK AUSLANDER LLP

By: /s/: Eric J. Snyder
Eric J. Snyder, Esq.
825 Eighth Ave., Suite 2900
New York, New York 10019
(212) 981-2300
Counsel for the Debtor

PROCEDURES FOR ALL HEARINGS BEFORE JUDGE BECKERMAN
BEING HELD BY ZOOM VIDEO

The Zoom video hearing (the “Hearing”) held in connection with this notice will be conducted in accordance with the procedures contained herein.

With respect to Hearings that are evidentiary hearings or trials, the procedures contained herein are subject to, and do not limit, the terms of any pre-trial order, scheduling order, or other order regarding the Hearings.

These procedures have been modified to comply with the revised policy, effective September 22, 2023, of the Judicial Conference of the United States concerning the public’s remote access to civil and bankruptcy proceedings (the “Revised Policy”). Under the Revised Policy, the press and other public attendees (“Public Attendees”) may only receive audio access to non-evidentiary Hearings when appearing remotely. For evidentiary hearings and trials, Public Attendees may not attend via remote means and should attend in-person in the courtroom. The Revised Policy does not affect the ability of case participants (e.g., parties-in-interest and their attorneys, witnesses, and interpreters) (“Case Participants”) from attending Zoom Hearings using the platform’s videoconferencing features.

All Case Participants and Public Attendees that wish to attend a Zoom Hearing (whether attending remotely or in-person) must register for the Hearing through the Electronic Appearance Portal (“eCourt Appearance Tool”) located on the Court’s website (<https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>) by the deadlines set forth in Sections 2 and 3 below.

PROCEDURES

1. **Audio and Videoconferencing Solutions.** The Hearing shall occur virtually using both audio and videoconferencing solutions as set forth herein. The Court shall utilize Zoom for Government (for audio and video purposes). The Court shall provide the Zoom link to the list of persons registered as Case Participants pursuant to the instructions set forth in Section 2 below and a Zoom dial-in number to Public Attendees who provide notice of their attendance to the Court pursuant to the instructions set forth in Section 3 below.
2. **Hearing Attendance by Case Participants.** All Case Participants must register for the Hearing through the eCourt Appearance Tool by no later than 4:00 p.m. (ET) one business day before the Hearing. Failure to register by the specified deadline will result in the Case Participant not being admitted to the Hearing. The Court will email the Zoom link to registered Case Participants after 4:00 p.m. (ET) one business day before the Hearing. Parties are strictly forbidden from circulating or sharing the Zoom link.
3. **Hearing Attendance by Public Attendees.** All Public Attendees who wish to dial-in to a Hearing where testimony is not expected must register for the Hearing through the eCourt

Appearance Tool by no later than 4:00 p.m. (ET) one business day before the Hearing. Failure to register by the specified deadline will result in the Public Attendee not being admitted to the Hearing. The Court will email the Zoom dial-in information to registered Public Attendees prior to the Hearing. Registered Public Attendees are strictly forbidden from circulating or sharing the Zoom dial-in information. Because Public Attendees cannot dial in to a Hearing where testimony is expected, Public Attendees may attend such a Hearing in person in the courtroom.

4. **Courtroom Formalities.** Although being conducted using audio and videoconferencing on Zoom, the Hearing constitutes a court proceeding, and any recording other than the official court version is prohibited. No participant or attendee of the Hearing may record images or sounds of the Hearing from any location. All parties appearing before the Court must situate themselves in such a manner as to be able to view the video screen and be seen by the Court. For purposes of this Hearing, the parties must observe the formalities of a courtroom.

5. **Submission of Exhibits and Demonstratives to Court.** If any of the parties intend to offer any exhibits at the Hearing or use any demonstratives at the Hearing, such party shall provide the Court (and file on ECF) a copy of the exhibits or demonstratives it will seek to use during the Hearing (either by offering it in evidence or using it for demonstrative purposes) no later than the deadline set forth in Judge Beckerman's Chambers Rules or the applicable scheduling or pre-trial order but in any event at least 24 hours before the Hearing.

6. **Checking in for Hearing.** Because of the Court's security requirements for participating in a Zoom for Government audio and video hearing, all persons seeking to attend the Hearing must connect to the Hearing beginning half an hour before the scheduled start of the Hearing and no later than ten minutes before the Hearing start time. Failure to connect to the Hearing at the indicated time may result in significant delays to the start of the Hearing. When signing into Zoom for Government, participants must type in the first and last name that will be used to identify them at the hearing, and the party they represent (i.e., Jane Doe, Debtor's Counsel). Participants who type only their first name, a nickname, or initials will not be admitted into the hearing. When seeking to connect for video participation in a Zoom for Government hearing, participants will first enter a waiting room in the order in which the participants seek to connect. Court personnel will admit each person to the Hearing from the waiting room after confirming the person's name (and telephone number, if a telephone is used to connect) provided to the Court in accordance with Sections 2 and 3 above. You may experience a delay in the waiting room before you are admitted to the Hearing. Once admitted, please turn off your video and mute the microphone on Zoom until the Court calls your matter.

7. **Retention of Jurisdiction.** The Court retains jurisdiction with respect to all matters arising from or related to these procedures.

WILK AUSLANDER LLP
825 Eighth Avenue, Suite 2900
New York, New York 10019
(212) 421-2233
Eric J. Snyder, Esq.

Counsel for the Debtor

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

GACE CONSULTING ENGINEERS, DPC

Debtor.¹

Chapter 11

Case No. 23-10789 (LGB)

**MOTION TO APPROVE PROPOSED SCHEDULING ORDER FOR
HEARING ON CONFIRMATION OF DEBTOR'S PLAN OF
REORGANIZATION, FILING OBJECTIONS TO CONFIRMATION
OF THE PLAN, AND FILING ACCEPTANCES OR REJECTIONS OF
THE PLAN, AND APPROVING CONFIRMATION HEARING NOTICE
AND FORM OF NOTICE TO COUNTERPARTIES TO SERVICE
AGREEMENTS AND BALLOT AND OPPORTUNITY FOR HEARING**

GACE Consulting Engineers, D.P.C., the Debtor herein, files this motion (the “Scheduling Motion”) pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 2002(b)(2), seeking approval of an *Order (i) Fixing Dates for Hearing on Confirmation of Debtor’s Plan of Reorganization, Filing Objections to Confirmation of the Plan, and Filing Acceptances or Rejections of the Plan, and (ii) Approving the Form of Confirmation Hearing Notice and Form of Notice to Counterparties to Service Agreements and Ballot*, substantially in the form annexed to the Scheduling Motion as Exhibit A (“Proposed Scheduling Order”). In support of the Scheduling Motion, the Debtor states as follows:

¹ The Debtor in this Chapter 11 Case, along with the last four digits of its federal tax identification number, is 5207.

1. On May 17, 2023, the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code with the United States Bankruptcy Court for the Southern District of New York.

2. The Debtor is a Design Professional Corporation formed under New York Business Corporation Law Section 1503 in November 1979. The business is a structural engineering firm focused on residential, commercial and industrial building projects by applying knowledge of design, construction procedures, zoning regulations, building codes, and building materials from its offices located at 148 Madison Avenue, Floor 4, New York, New York 10016. The Debtor currently employs 29 individuals.

3. No trustee, examiner, or committee has been appointed in this Chapter 11 Case other than Samuel Dawidowicz, the Subchapter V Trustee, and the Debtor continues in possession of its assets and to operate its business pursuant to 11 U.S.C. §§ 1182(2) and 1184.

4. On August 15, 2023, the Debtor filed its Subchapter V Plan. Since that date, the Debtor has had numerous negotiations with creditors, as well as the Trustee and has secured agreements with its two largest creditor groups: its former landlord and shareholders. As a result, the Debtor is in a position to amend the Plan.

5. As a result, on November 30, 2023, the Debtor filed an amended plan [ECF # 58]. By this Motion, the Debtor seeks approval of a Scheduling Order to approve important deadlines between today and confirmation of the Amended Plan.

6. In particular, the Debtor seeks approval of the following timetable:

| Event | Proposed Date/Deadline |
|-----------------------------|---|
| Plan Solicitation | Not later than December 31, 2023 |
| Plan Supplement Filing Date | On or before 5:00 p.m. ET on January 24, 2023 |

| | |
|--|---|
| Schedule of Assumed Contracts and Cure (filed with Plan Supplement) ² | On or before 5:00 p.m. ET on January 24, 2023 |
| Assumption/Cure Objection Deadline | On or before 5:00 p.m. ET on January 31, 2024 |
| Plan Voting Deadline | On or before 5:00 p.m. ET on January 31, 2024 |
| Plan Confirmation Objection Deadline | On or before 5:00 p.m. ET on January 31, 2024 |
| Debtor's Plan Confirmation Brief/Reply to Any Plan Objection(s) | On or before 4:00 p.m. ET on February 6, 2024 |
| Proposed Form of Confirmation Order | On or before 4:00 p.m. ET on February 6, 2024 |
| Voting Certification Report | On or before February 6, 2024 |
| Combined Hearing | February 13, 2024 at 10:00 a.m. ET |

7. In addition, the Debtor seeks approval of the form of Notice regarding the confirmation hearing of the proposed Amended Plan and form Notice to Counterparties to Service Agreements and the form of a Ballot, forms of which are also attached to the Scheduling Order.

8. Notice of this Motion shall be given to: (a) the Office of the United States Trustee; and (b) all of the Debtor's creditors who are listed in the Debtor's schedules having a non-disputed claim and all entities that filed a claim in the Debtor's bankruptcy case. The Debtor submits that no other or further notice is required under Bankruptcy Rule 6006(a) and 9014.

9. No prior request for the relief sought herein has been made to this or any other Court.

CONCLUSION

For all of the foregoing reasons, it is respectfully requested that the Court enter the Order, in the form annexed hereto as Exhibit A; a) fixing dates for the hearing on confirmation of the Amended Plan, filing objections to confirmation of the Amended Plan, and filing acceptances or rejections to the Amended Plan and approving the form of confirmation hearing notice and form

² The Debtor has filed a separate motion to file the identity of counterparties to service agreements the Debtor seeks to assume under seal.

of notice to counterparties to service agreements and ballot; and b) for such other and further relief as this Court deems just and proper.

Dated: New York, New York
December 4, 2023

WILK AUSLANDER LLP

By: /s/: Eric J. Snyder
Eric J. Snyder, Esq.
825 Eighth Ave., Suite 2900
New York, New York 10019
(212) 981-2300
Counsel for the Debtor

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

GACE CONSULTING ENGINEERS, DPC,

Debtor.¹

Chapter 11

No. 23-10789 (LGB)

**ORDER (I) FIXING DATES FOR HEARING ON CONFIRMATION OF
DEBTOR'S AMENDED PLAN OF REORGANIZATION, FILING
OBJECTIONS TO CONFIRMATION OF THE AMENDED PLAN, AND
FILING ACCEPTANCES OR REJECTIONS OF THE AMENDED
PLAN, AND (II) APPROVING THE FORM OF CONFIRMATION
HEARING NOTICE AND FORM OF NOTICE TO COUNTERPARTIES
TO SERVICE AGREEMENTS AND BALLOT**

On May 17, 2023 ("Petition Date"), Gace Consulting Engineers, DPC ("Debtor") filed a voluntary petition for relief under Subchapter V of Chapter 11 of the Bankruptcy Code (the "Chapter 11 Case"). Under sections 1107(a) and 1108 of the Bankruptcy Code, Debtor is authorized and continues to operate its business as a debtor-in-possession.

On August 15, 2023, the Debtor filed its plan of reorganization [Dkt. No. 41]. On November 30, 2023, the Debtor filed an Amended Plan (the "Plan") [Dkt. No.58].

By Motion dated December 4, 2023 [Dkt. No. [●]] ("Scheduling Motion"), the Debtor notified all creditors and parties in interest entitled to notice in this Chapter 11 Case: a) that it would be presenting a proposed order ("Scheduling Order") (i) fixing dates for a hearing on confirmation of the Plan, for filing objections to confirmation of the Plan, and for filing acceptances or rejections of the Plan, and (ii) approving the proposed form of hearing notice to consider confirmation of the Plan and form of notice to counterparties to service agreements and the proposed form of Plan voting ballot

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(collectively, the “Confirmation Hearing Notice and Ballot”); and (b) setting the deadline to object to the proposed Scheduling Order (“Objection Deadline”).

No creditor or party in interest filed an objection or response to the proposed Scheduling Order.

ACCORDINGLY this Court finds that the Hearing is not required and good and sufficient cause appearing for the requested relief, and no additional notice or a hearing being required; it is hereby **ORDERED**, that

1. **Service of the Plan:** Debtor is authorized, but not directed or required, to distribute the Plan and this Scheduling Order to Holders of Claims (as defined in the Plan) entitled to vote on the Plan in paper form or electronic format (*i.e.*, on a flash/thumb drive). Ballots (as defined below) and the Confirmation Hearing Notice must be provided in paper form. Any party that receives the materials in electronic format but would prefer to receive materials in paper format may request paper copies by contacting Debtor’s counsel at Wilk Auslander LLP, 825 Eighth Avenue, Suite 2900, New York, New York 10019, Attn: Eric J. Snyder, Esq., email: esnyder@wilkauslander.com.

2. **Confirmation Hearing Date:** The Court will hold the hearing on confirmation of Debtor’s Plan (“Confirmation Hearing”) on February 13, 2024 at 10:00 a.m. ET, or as soon thereafter as counsel can be heard. The Confirmation Hearing shall be held telephonically. Parties that wish to register to listen or to participate in the Confirmation Hearing are required to register their eCourt Appearance by 4:00 P.M. (EST) the business day before the Confirmation Hearing at <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>., pursuant to Judge Beckerman’s Zoom hearing instructions.

3. **Confirmation Hearing Notice:** The Confirmation Hearing Notice attached as **Exhibit 1** is approved. On or before December 31, 2023, Debtor shall mail, as required by Fed. R. Bankr. P.

2002(b), (i) copies of : (a) the Confirmation Hearing Notice (in paper format), (b) this Scheduling Order (in paper or electronic format), and (c) a copy of the Plan (in paper or electronic format), and such notice shall be deemed good and sufficient notice of the Confirmation Hearing and the Debtor's request for confirmation of the Plan, and (ii) to all creditors entitled to vote to accept or reject the Plan, a copy of the applicable Ballot in paper format.

4. The Confirmation Hearing may be adjourned from time to time without further notice to creditors other than by an announcement in Court of such adjournment.

5. **Ballot Instructions and Voting Deadline:** The form of ballot ("Ballot") for Holders of Claims in Class 3 (as defined in the Plan) and annexed hereto as **Exhibit 2** is approved. To be counted, a Ballot must be completed as set forth in the instructions on the Ballot, signed, and mailed or otherwise delivered, so as to actually be received by the Debtor via United States mail, personal delivery, or overnight courier on or before January 31, 2024, at 5:00 P.M (EST.). to Debtor's counsel at Wilk Auslander LLP, 825 Eighth Avenue, Suite 2900, New York, New York 10019, Attn: Eric J. Snyder, Esq., email: esnyder@wilkauslander.com

6. **Objections:** January 31, 2024, 2023 at 5:00 p.m. ET is established as the last date and time for filing and serving objections (each, an "Objection") to confirmation of the Plan ("Plan Objection Deadline"). Objections not filed and served by the Plan Objection Deadline in the manner set forth below will not be considered by the Court. In order to be considered by the Court, Objections, if any, to the Plan, must (a) be in writing, (b) state the name and address of the objecting party and the amount and nature of the claim or interest of such party, (c) state with particularity the basis and nature of any Objection or proposed modification, and (d) be filed with the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York, 10004-1408, the Honorable Lisa G. Beckerman presiding, and served so that they are actually

received on or before the Plan Objection Deadline by: (i) counsel for the Debtor, Wilk Auslander LLP, 825 Eighth Avenue, Suite 2900, New York, New York 10019, Attn: Eric J. Snyder, Esq., email: esnyder@wilkauslander.com; (ii) Office of the United States Trustee for Region 2, United States Custom House, One Bowling Green Station, Room 534, New York, NY 10001, Attn: Greg Zipes, Esq.; (iv) the Subchapter V Trustee, Samuel Dawidowicz, 215 East 68th Street, Ste. 20M, New York, New York 10065. Objections not timely filed and served in accordance with the provisions of this Scheduling Order and the Confirmation Hearing Notice will not be heard and will be overruled.

7. Reply to an Objection; Brief in Support of Confirmation; Form of Confirmation

Order: Any reply to an Objection and any brief in support of confirmation of the Plan shall be filed and served, with a copy to the Court's chambers, so as to be received by 4:00 p.m. ET on February 6, 2023. The Debtor's proposed form of Confirmation Order shall be filed on or before 4:00 p.m. ET on February 6, 2023, with the Debtor's brief in support of confirmation of the Plan.

8. Schedule of Assumed Contracts and Cure; Assumption or Cure Objection

Deadline: The Debtor shall file the Schedule and Assumed Contracts and Cure with the Plan Supplement, except as otherwise ordered by the Court. The Debtor shall transmit a letter (the "SA Ass. Letter") to each counterparty to a service agreement that their applicable Service Agreement will be assumed. A copy of the SA Ass. Letter is attached as **Exhibit 3** and is approved as to form in all respects.

9. Any counterparty to an Executory Contract or Unexpired Lease subject to assumption under the Plan that objects to (1) the assumption of such Executory Contract or Unexpired Lease, (2) the proposed Cure amount, (3) the ability of the Reorganized Debtor or any assignee to provide "adequate assurance of future performance" (within the meaning of section 365 of the Bankruptcy Code) under the Executory Contract or Unexpired Lease to be assumed, or (4) any other matter

pertaining to assumption, **shall File with the Bankruptcy Court a written objection thereto and serve it in a manner to be actually received by each of the following by no later than 5:00 p.m. (Eastern time) on or before January 24, 2023**: (i) counsel to the Debtor: Wilk Auslander LLP, 825 Eighth Avenue, Suite 2900, New York, New York 10019, Attn: Eric J. Snyder, Esq., email: esnyder@wilkauslander.com; (ii) Office of the United States Trustee for Region 2, United States Custom House, One Bowling Green Station, Room 534, New York, NY 10001, Attn: Greg Zipes, Esq.; (iv) the Subchapter V Trustee, Samuel Dawidowicz, 215 East 68th Street, Ste. 20, New York, New York 10065, provided, however, that notwithstanding anything to the contrary in this Scheduling Order, (i) the Debtor or the Reorganized Debtor may settle such dispute without any further notice to, or action, order, or approval of the Bankruptcy Court, but in the absence of such resolution all timely Filed responses or objections will be heard by the Bankruptcy Court at the Confirmation Hearing or on such other date agreed to by the parties or ordered by the Bankruptcy Court; and (ii) the Debtor or the Reorganized Debtor shall have the right to reject any such Executory Contract of Unexpired Lease that is the subject to dispute, whether by amending the Schedule of Assumed Contracts and Cure or otherwise. **Any counterparty to an Executory Contract or Unexpired Lease subject to assumption as identified on the Schedule of Assumed Contracts and Cure that fails to timely object to any of the foregoing matters related to assumption will be deemed to have assented and will be deemed to have forever released and waived any such objection.** Payment of any Cure amount shall be made following the entry of a Final Order or orders resolving any dispute related thereto and approving the assumption and shall not prevent or delay implementation of the Plan or the occurrence of the Effective Date.

10. **Voting Certification Report:** Debtor shall file with the Court a voting certification report containing the Plan vote tabulation on or before February 6, 2024.

Dated: New York, New York
December __, 2023

HONORABLE LISA G. BECKERMAN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT 1

Form Of Confirmation Hearing Notice

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

GACE CONSULTING ENGINEERS, DPC,

Debtor.¹

Chapter 11

No. 23-10789 (LGB)

**NOTICE OF HEARING TO CONSIDER CONFIRMATION
OF THE DEBTOR'S PLAN OF REORGANIZATION**

**TO: ALL HOLDERS OF CLAIMS, EQUITY INTERESTS, AND OTHER
PARTIES IN INTEREST:**

PLEASE TAKE NOTICE THAT:

1. On November 20, 2023, the Debtor filed its Amended Chapter 11 plan of reorganization ("**Plan**"). A copy of the Plan is included with this Notice.²

2. On December [●], 2023, the United States Bankruptcy Court for the Southern District of New York entered the attached Scheduling Order (as defined therein) relating to confirmation of the Debtor's Plan and approved dates, procedures, and forms applicable to the process of soliciting and tabulating votes on the Plan as set forth below. **The following notice ("Notice") contains important deadlines for creditors to indicate whether they support or oppose the terms of the Debtor's Plan.**

3. **Confirmation Hearing Date:** The Bankruptcy Court will hold the hearing on confirmation of the Debtor's Plan ("**Confirmation Hearing**") on , **2024 at 10:00 a.m. ET**, or as soon thereafter as counsel can be heard. The Confirmation Hearing may be adjourned from time to time without further notice to creditors other than by an announcement by the Bankruptcy Court of such adjournment.

4. **Ballot:** Not all creditors or parties in interest will receive a Ballot for voting on the Plan. Only creditors whose claims are impaired will receive a Ballot. General unsecured creditors of the Debtor in Class 3 of the Plan are impaired.

5. **Ballot Instructions:** If you received a Ballot and intend to vote on the Plan you must: (a) follow the instructions on the Ballot carefully; (b) complete all of the required information on the Ballot; and (c) execute and timely return your completed Ballot to the Debtor

¹ The Debtor in this Chapter 11 Case, along with the last four digits of its federal tax identification number, is 5207.

² Capitalized terms not otherwise defined in this notice shall have the meaning ascribed to them in the Plan.

via U.S. mail, personal delivery or by overnight courier, as indicated in the instructions on the Ballot.

6. **Voting Deadline:** The deadline for voting on the Plan is **January , 2023 at 5:00 p.m. ET** (“**Voting Deadline**”). Ballots must **actually be received** by the Debtor on or before the Voting Deadline. Failure to submit your Ballot by the Voting Deadline may result in the disqualification of your Ballot and your vote.

7. **Objections to Confirmation:** The deadline for filing an objection to the confirmation of the Plan (“**Objection**”) is **January, 2024 at 5:00 p.m. ET**. In order to be considered by the Bankruptcy Court, Objections, if any, to the Plan, must (a) be in writing, (b) state the name and address of the objecting party and the amount and nature of the claim or interest of such party, (c) state with particularity the basis and nature of any Objection or proposed modification, and (d) be filed with the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York, 10004-1408, the Honorable Lisa G. Beckerman presiding, **and served so that they are actually received on or before the Plan Objection Deadline by:** Wilk Auslander LLP, 825 Eighth Avenue, Suite 2900, New York, New York 10019, Attn: Eric J. Snyder, Esq., email: esnyder@wilkauslander.com; (ii) Office of the United States Trustee for Region 2, United States Custom House, One Bowling Green Station, Room 534, New York, NY 10001, Attn: Greg Zipes, Esq.; (iii) the Subchapter V Trustee, Samuel Dawidowicz, 215 Est 68th Street, Ste. 20M, New York, New York 10065. **Objections not timely filed and served in accordance with the provisions of this Notice will not be heard and will be overruled.**

8. **Reply to an Objection:** Any reply to an Objection shall be filed and served, with a copy to the Bankruptcy Court’s chambers, so as to be received, by **4 p.m. ET on February ,2024**

9. **Plan Supplement:** The Debtor shall file the Plan Supplement, as that term is defined in the Plan, **on or before 5:00 p.m. ET, , 2024.**

10. **Rejection and Assumption of Executory Contracts and Unexpired Leases.** The Plan provides for the **assumption** of certain Executory Contract and Unexpired Leases pursuant to sections 365 and 1123 of the Bankruptcy Code as of the Effective Date, (the “**Assumed Contracts**”): (1) is identified by the Debtor on the Schedule of Assumed Contracts and Cure to be filed with the Plan Supplement unless it has been sealed pursuant to a separate order of the Court; (2) was assumed or rejected previously by the Debtor; (3) expired or terminated pursuant to its own terms before the Effective Date; or (4) is the subject of a separate motion to assume or reject pending on the Confirmation Date. Entry of the Confirmation Order shall constitute a Final Order approving the deemed rejection or the assumption of such Executory Contracts or Unexpired Leases as set forth in the Plan, all pursuant to sections 365(a) and 1123 of the Bankruptcy Code.

Any counterparty to an Executory Contract or Unexpired Lease subject to assumption under the Plan that objects to (1) the assumption of such Executory Contract or Unexpired Lease, (2) the proposed Cure amount, (3) the ability of the Reorganized Debtor or any assignee to provide “adequate assurance of future performance” (within the meaning of section 365 of the Bankruptcy Code) under the Executory Contract or Unexpired Lease to be assumed, or (4) any other matter pertaining to assumption, **shall File with the Bankruptcy Court a written objection thereto and serve it in a manner to be actually received by each of the following by no later than 5:00 p.m. (Eastern time) on , 2024:** (i) Wilk Auslander LLP, 825 Eighth Avenue, Suite 2900, New York, New York 10019, Attn: Eric J. Snyder, Esq., email: esnyder@wilkauslander.com; (ii) Office of the United States Trustee for Region 2, United States Custom House, One Bowling Green Station, Room 534, New York, NY 10001, Attn: Greg Zipes, Esq.; (iii) the Subchapter V Trustee, Samuel Dawidowicz, 215 East 68th Street, Ste. 20M, New York, New York 10065; provided, however, that notwithstanding anything to the contrary herein, (i) the Debtor or the Reorganized Debtor may settle such dispute without any further notice to, or action, order, or approval of the Bankruptcy Court, but in the absence of such resolution all timely Filed responses or objections will be heard by the Bankruptcy Court at the Confirmation Hearing or on such other date agreed to by the parties or ordered by the Bankruptcy Court; and (ii) the Debtor or the Reorganized Debtor shall have the right to reject any such Executory Contract or Unexpired Lease that is the subject to dispute, whether by amending the Schedule of Assumed Contracts and Cure or otherwise. **Any counterparty to an Executory Contract or Unexpired Lease subject to assumption as identified on the Schedule of Assumed Contracts and Cure that fails to timely object to any of the foregoing matters related to assumption and Cure will be deemed to have assented and will be deemed to have forever released and waived any such objection.**

11. DISCHARGE, INJUNCTION, EXCULPATION, AND RELEASES:
ARTICLE VII OF THE PLAN CONTAINS RELEASE, EXCULPATION, AND INJUNCTION PROVISIONS. YOU ARE ADVISED TO REVIEW AND CONSIDER THESE PROVISIONS AND THE PLAN CAREFULLY BECAUSE YOUR RIGHTS MIGHT BE AFFECTED BY THEM AND IT. THE RELEASE, EXCULPATION, AND INJUNCTION PROVISIONS OF THE PLAN.

12. Court Filings: Pleadings may be obtained by visiting the Court’s website at <http://www.nysb.uscourts.gov> in accordance with the procedures and fees set forth therein. Paper copies of the Confirmation Hearing Notice, Ballots, and Plan may be requested by contacting Debtor’s counsel at Wilk Auslander LLP, 825 Eighth Avenue Suite 2900, New York, New York 10019, Attn: Eric J. Snyder (esnyder@wilkauslander.com).

13. Plan is Binding: If confirmed, the Plan shall bind all Holders of Claims and Interests to the maximum extent permitted by applicable law, whether or not such Holder will receive or retain any property under the Plan, has filed a Proof of Claim against the Debtor, or failed to vote to accept or reject the Plan, or voted to reject the Plan.

Dated: December __, 2023
New York, NY

Wilk Auslander LLP

By: _____

Eric J. Snyder
825 8th Avenue. St. 2900,
New York, NY 10019
Telephone: (212) 981-2328
esnyder@wilkauslander.com

*Counsel for Debtor and Debtor in-
Possession*

EXHIBIT 2

Class 3 Form Of Ballot

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

GACE CONSULTING ENGINEERS, DPC,

Debtor.¹

Chapter 11

Case No. 23-10789 (LGB)

**BALLOT FOR ACCEPTING OR REJECTING THE CHAPTER 11 PLAN OF
REORGANIZATION OF GACE CONSULTING ENGINEERS, DPC**

CLASS 3: GENERAL UNSECURED CLAIMS

**THE VOTING DEADLINE TO ACCEPT OR REJECT THE PLAN IS _____, 2024 AT
5:00 P.M. (ET). YOUR BALLOT MUST BE ACTUALLY RECEIVED BY THE DEBTOR
BY THIS DEADLINE TO BE COUNTED.**

This ballot (“**Ballot**”) is submitted to you to solicit your vote to accept or reject the Amended Chapter 11 Plan of Reorganization of Gace Consulting Engineers, DPC dated November __, 2023 (including all exhibits thereto and as the same may be amended, modified, or supplemented from time to time, “**Plan**”), submitted by Gace Consulting Engineers, DPC as debtor and debtor- in-possession (“**Debtor**”) approved by Order (“**Scheduling Order**”) of the United States Bankruptcy Court for the Southern District of New York (“**Bankruptcy Court**”). You are receiving this Ballot because you are a Holder of a Class 3 General Unsecured Claim. Accordingly, you have a right to vote to accept or reject the Plan. You can cast your vote through this Ballot. If you believe you have received this Ballot in error, or if you believe that you have received the wrong Ballot, please contact the Debtor immediately at the address, telephone number, or email address set forth below.

The Plan includes information to assist you in deciding how to vote your Ballot. If you do not have a copy of the Plan, you may obtain a copy by contacting counsel to the Debtor:

Wilk Auslander LLP
825 Eighth Avenue, Suite 2900, New York NY 10019
Attn: Eric J. Snyder (esnyder@wilkauslander.com)
Telephone: 212-981-2328

¹ The Debtor in this Chapter 11 Case, along with the last four digits of its federal tax identification number, is 5207.

Copies of the Plan are also available for a fee at the Bankruptcy Court's website (<http://www.nysb.uscourts.gov/>) by following the directions for accessing the ECF system on such website. You should review the Plan before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. Capitalized terms used in this Ballot or the attached instructions but not otherwise defined herein have the meanings given to them in the Plan.

The Plan may be confirmed by the Bankruptcy Court and thereby made binding on you if the Plan satisfies the applicable requirements of sections 1191 and 1129(a) (as applicable) of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* ("**Bankruptcy Code**").

**PLEASE READ THE ATTACHED VOTING INFORMATION AND INSTRUCTIONS
BEFORE COMPLETING THIS BALLOT**

PLEASE COMPLETE ITEM 1 BELOW. IF THIS BALLOT IS NOT SIGNED ON THE APPROPRIATE LINE, THIS BALLOT WILL NOT BE VALID OR COUNTED AS HAVING BEEN CAST.

Item 1. Class Vote. The undersigned, a Holder of a Class A General Unsecured Creditors in the amount set forth below, votes to (check one box):

| | |
|---|---|
| <input type="checkbox"/> ACCEPT (vote FOR) the Plan | <input type="checkbox"/> REJECT (vote AGAINST) the Plan |
|---|---|

Voting Amount: \$ _____

Taxpayer Identification Number: _____

Item 3. Acknowledgments. By signing this Ballot, the undersigned acknowledges receipt of the Plan and other applicable solicitation materials and certifies that the undersigned is the claimant or has the power and authority to vote to accept or reject the Plan on behalf of the claimant. The undersigned understands that an otherwise properly completed and executed and timely returned Ballot that does not indicate either an acceptance or a rejection of the Plan, or indicates both an acceptance and a rejection of the Plan, will not be counted that no other Ballots with respect to the Claims in the Voting Class identified in Item 1 have been cast or, if any other Ballots have been cast with respect to such Claims, then any such earlier Ballots voting those Claims are hereby revoked.

Name of Creditor

Signature

If by Authorized Agent, Name and Title

Name of Institution

Street Address

City, State, Zip Code

Telephone Number

Email Address

Date Completed

VOTING INFORMATION AND INSTRUCTIONS FOR COMPLETING BALLOT

1. In the boxes provided in Item 1 of the Ballot, please indicate either your acceptance or rejection of the Plan. Complete the Ballot by providing all of the information requested and sign, date and return it with an original signature promptly to counsel to the Debtor **via Mail, Personal Delivery, or Overnight Courier:**

Gace Consulting Engineers, DPC
c/o Wilk Auslander LLP
Attn.: Eric J. Snyder
825 Eighth Avenue, Suite 2900
New York, NY 10019
Telephone: (212) 981-2328

2. Ballots (with original signatures) must be actually received by the Voting and Claims Agent on or before _____, **2024 at 5:00 p.m. ET (“Voting Deadline”)**. If a Ballot is received after the Voting Deadline, it will not be counted. An envelope addressed to Debtor’s counsel (as noted above) is enclosed for your convenience. Delivery of a Ballot by facsimile, email, or any other electronic means will not be accepted. If neither the “Accept” nor the “Reject” box is checked in Item 1 for an otherwise properly completed and executed and timely returned Ballot, the Ballot will not be counted.

3. Please complete and return the Ballot you receive. Your Claims in Class 3 will be aggregated for voting purposes, and you shall have one (1) vote in the aggregated amount. The attached Ballot is designated only for the voting CLASS 3 GENERAL UNSECURED CLAIM. If you happen to receive more than one Ballot on account of your claims in Class 3, you must vote all of your Claims within Class 3 under the Plan either to accept or to reject the Plan. Accordingly, if you return more than one Ballot voting different Claims within Class 3 under the Plan and the Ballots are not voted in the same manner, those Ballots will not be counted. An otherwise properly completed and executed and timely returned Ballot that attempts to partially accept and to partially reject the Plan likewise will not be counted.

4. **In the event you are the Holder of a Claim, your Claim has been temporarily allowed solely for purposes of voting to accept or to reject the Plan. The temporary allowance of your Claim for voting purposes does not constitute an allowance of your Claim for purposes of distribution under the Plan and is without prejudice to the rights of Debtor in any other context (e.g., the right to contest the amount or validity of any Claim for purposes of allowance under the Plan).** If you wish to challenge the temporary allowance of the amount of your Claim for Plan voting purposes, you must file a motion pursuant to Rule 3018(a) of the Federal Rules of Bankruptcy Procedure for an order temporarily allowing your Claim in a different amount or classification for purposes of voting to accept or reject the Plan, serve such motion on Debtor, the U.S. Trustee, and the Subchapter V Trustee, and arrange for such hearing to be heard in advance of the Voting Deadline. Unless the Bankruptcy Court orders otherwise, your Claim will not be counted as a vote in excess of the amount as determined in accordance with

the tabulation rules, regardless of the amount identified in Item 1 of the Ballot. If a lesser amount is identified in Item 1 of the Ballot, your Claim will be counted as a vote in such lesser amount.

5. The Ballot does not constitute, and will not be deemed, a Proof of Claim or an assertion of a Claim or Interest.

6. If you cast more than one Ballot voting the same Claim prior to the Voting Deadline, the latest received valid Ballot will supersede any and all prior Ballots.

7. NO PERSON HAS BEEN AUTHORIZED TO GIVE ANY INFORMATION OR ADVICE, OR TO MAKE ANY REPRESENTATION, REGARDING THIS PLAN OTHER THAN AS CONTAINED IN THE MATERIALS MAILED WITH THIS BALLOT OR OTHER MATERIALS AUTHORIZED BY THE BANKRUPTCY COURT.

8. PLEASE RETURN YOUR BALLOT PROMPTLY.

9. IF YOU HAVE RECEIVED A DAMAGED BALLOT OR HAVE LOST YOUR BALLOT, OR IF YOU HAVE ANY QUESTIONS CONCERNING THIS BALLOT OR THE VOTING PROCEDURES, PLEASE CONTACT COUNSEL FOR THE DEBTOR AT WILK AUSLANDER LLP, 825 EIGHTH AVENUE, SUITE 2900, NEW YORK, NEW YORK 10019, ATTN: ERIC J. SNYDER. (ESNYDER@WILKAUSLANDER.COM). DEBTOR'S COUNSEL MAY ALSO BE REACHED BY TELEPHONE AT 212-981-2328. DEBTOR'S COUNSEL IS NOT AUTHORIZED TO PROVIDE, AND WILL NOT PROVIDE, LEGAL ADVICE.

EXHIBIT 3

Form of Notice to Counterparties to Service Agreements



December __, 2023

[Mr./Ms. First Last]
[Company]
[Address]
[City, State Zip]

Re: [Project Name(s)] – Agreement(s) with GACE Consulting Engineers DPC

Dear [Name],

In May of this year GACE voluntarily filed Subchapter V of Chapter 11 in order to resolve an ongoing dispute with our prior landlord. We are now coming out of bankruptcy, and we will assume/complete the agreement(s) we have with you in the ordinary course of business.

Thank you for your continuing trust in us and please let me know if you have any questions.

Please call with any questions.

Sincerely,
GACE Consulting Engineers DPC

Alyson Sikorski, PE
Principal

Chok-Pan Wong, PE
Principal

Christopher Behan, PE
Principal